



DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission

[Docket No. CP19-118-000]

Trans-Foreland Pipeline Company LLC; Notice of Request for Extension of Time

Take notice that on July 7, 2022, Trans-Foreland Pipeline Company LLC (Trans-Foreland) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until December 17, 2025, to construct, modify, and operate new facilities for the import of liquefied natural gas (LNG) at its existing Kenai LNG terminal in Nikiski, Alaska (Kenai LNG Cool Down Project or Project) and make the Project available for service as authorized in the December 17, 2020 Order Granting Authorization Under Section 3 of the Natural Gas Act (Order).¹

Trans-Foreland does not anticipate being able to place the Project into service by December 17, 2022, as stated in Ordering Paragraph (B) of the Order, despite good faith efforts to do so. Trans-Foreland states that the onset and duration of the COVID-19 pandemic and the war in Ukraine have generated adverse economic and logistical conditions that slowed commercial progress and precluded Trans-Foreland from making its final investment decision (FID) for the Project. Trans-Foreland asserts that uncertainty and volatility in the global LNG market have made it difficult for Trans-Foreland to secure a suitable supply arrangement that would provide the financial certainty necessary for the Project. Trans-Foreland requires this financial certainty in order to make its FID and move forward with the Project.

Trans-Foreland requests a three-year extension of time so that it may construct, modify, and place the Project in service by December 17, 2025. Trans-Foreland states that the Project remains commercially viable, and all permits and authorization received are in good standing.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on the Trans-Foreland's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (NGA) (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are

¹ *Trans-Foreland Pipeline Company LLC*, 173 FERC ¶ 61,253 (2020).

contested before order issuance. For those extension requests that are contested,² the Commission will aim to issue an order acting on the request within 45 days.³ The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.⁴ The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act (NEPA).⁵ At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.⁶ The OEP Director, or his or her designee, will act on all of those extension requests that are uncontested.

In addition to publishing the full text of this document in the Federal Register, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TYY, (202) 502-8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFile" link at <http://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 pm Eastern Time on July 26, 2022.

² Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1).

³ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

⁴ *Id.* at P 40.

⁵ Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

⁶ *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

Dated: July 11, 2022.

Kimberly D. Bose,
Secretary.

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